

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

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WRIT PETITION No : 17419 of 2005

Dated: 08-08-2005

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Between:

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Smt. Yaseen Begum W/o. Galib

Aged about 51 years,

R/o.18-11-244, Barkas, Hyderabad.

Petitioner...

And

The District Colletor, Hyderabad District,

Nampally Station Road, Hyderabad and others.

Respondents...

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ORDER:

The grievance of the petitioner in this writ petition is that the respondents 3 and 4 are going with the construction in the Plot No.19 of defunct Jubilee Hills Municipality, situated at Road No.10, in Survey No.403 (Old Survey No.129), vide TSLR.No.1/1/2, Block-H, Ward 10, admeasuring Acs.3.34 guntas, Shaikpet Village, jubilee Hills, Hyderabad, (for short 'the suit schedule property'), even in spite of the representation of the petitioner, the respondents 1 and 2 are not taking any action against them, hence, the present writ petition seeking direction to the respondents

1 and 2 not to allow the respondents 3 and 4 with the construction on the suit schedule property.

It appears from the affidavit filed in support of the writ petition that there is a civil dispute with regard to the rights of the suit schedule property between the petitioner and respondents 3 and 4 on the one hand, and other individuals on the other and also appears that an I.A.No.1935 of 1997 filed in O.S.No.1775 of 1997, which was dismissed on

01-05-1998 by the learned V Senior Civil Judge, City Civil Court, Hyderabad. Further it also appears that the petitioner submitted a representation dated 10-09-2004 to the District Collector, Hyderabad seeking 'No Objection Certificate' for construction in the suit schedule property. Office of the District Collector, directed the Mandal Revenue Officer to submit the status report of the above land and on the basis of the said report dated 20-12-2004, the Joint Collector, Hyderabad, rejected to issue 'No Objection Certificate' vide letter dated 18-01-2005. Further, it is also directed the Corporation not to give any permission either to the petitioner or to any other persons.

Prima facie, the petitioner has not approached this Court with clean hands. The petitioner approached this Court making vague allegations that the respondents 1 and 2 are allowing the respondents 3 and 4 and they are going with the construction. Except the bald allegation, there is no piece of paper filed in support of his contention. Therefore, I am not satisfied to entertain the present writ petition. Accordingly, the writ petition is dismissed. If for any reason, the respondents 3 and 4 are going with the construction in the suit schedule property, it is always open to the petitioner to approach the competent Civil Court to obtain appropriate orders. No order as to costs.

ELIPE DHARMA RAO, J

Dated: 08-08-2005

LSK

This writ petition is filed seeking a Writ of Mandamus to declare the acts, deeds and things of the respondents 1 and 2 in allowing the respondents 3 and 4 to raise illegal structures in the Plot No.19 of defunct Jubilee Hills Municipality, situated at Road No.10, in Survey No.403

(Old Survey No.129), vide TSLR.No.1/1/2, Block-H, Ward 10, admeasuring Acs.3.34 guntas, Shaikpet Village, jubilee Hills, Hyderabad, in spite of her representation, dated 18-01-2005, of the Joint Collector, Hyderabad as illegal and arbitrary and for a consequential direction to the respondents 1 and 2 not to allow the respondents 3 and 4 to raise any type of structures.

As seen from the affidavit filed in support of the writ petition, *prima facie*, the petitioner has not approached this Court with clean hands. There is a civil dispute with regard to the rights of the property in question between the petitioner and respondents 3 and 4 on the one hand, and the other individuals on the other. O.S.No.1775 of 1997 was filed by one P. Agamaiah and others against numbers of persons including the petitioner and the 3rd respondent

herein on the file of the Court of the learned V Senior Civil Judge, City Civil Court, Hyderabad, is pending and there is also disputes with regard to title and extent of the property. It is stated that respondents 3 and 4 have no right, title and interest over the property in question but in spite of her complaints, respondents 1 and 2 failed to take any action against respondents 3 and 4 in preventing them from raising illegal construction in the property in question. It is alleged that the 3rd respondent is claiming the property in question on the basis of the alleged compromise decree in O.S. No.312 of 1994 on the file of the V Additional Judge, City Civil Courts, Hyderabad. It is further stated that she is the absolute real owner, possessor and enjoyer of the property in question and has submitted the representation dated 10-09-2004 to the District Collector, Hyderabad seeking 'No Objection Certificate' for making construction in the said property who in turn directed the Mandal Revenue Officer concerned to submit the status report of the said property and on the basis of the report submitted by the Mandal Revenue Officer, dated 20-12-2004, the Joint Collector, Hyderabad, rejected to issue 'No Objection Certificate' vide letter dated 18-01-2005 on the grounds viz., (a) title dispute; (b) extent of the plot; (c) Civil dispute in the City Civil Court in O.S. No.1775 of 1997; (d) LGC No.86/89 before the Special Court under APLG Prohibition Act; (e) SLP before the Hon'ble Apex Court and a letter addressed to the Municipal Corporation of Hyderabad not to give permission to the writ petitioner for the said land or to any other person.

The petitioner except making bald allegation, not filed a piece of paper to substantiate his contention. Therefore, I am not satisfied to entertain the present writ petition. Accordingly, the writ petition is dismissed. If for any reason, respondents 3 and 4 are going with the construction in the suit schedule property, it is always open to the petitioner to approach the competent Civil Court to obtain appropriate orders. No order as to costs.